

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 5331 of 2022

Sk. Imran @ Eba

.....

Petitioner

Mr. D. Panigrahi, Adv.

Vs.

State of Orissa

.....

Opposite Party

Mr. C.S. Mishra, A.G.A.

CORAM:

JUSTICE SAVITRI RATHO

ORDER

13.07.2022

Order No.

02.

This matter is taken up through hybrid mode.

2. Heard Mr. D. Panigrahi, learned counsel for the petitioner and Mr. C.S. Mishra, learned Addl. Govt. Advocate for the State.

3. This is an application under Section 439 of Cr.P.C. for grant of bail to the petitioner-Sk. Imran @ Eba in connection with Bhadrak Rural P.S. Case No.234 of 2021 corresponding to Special Case No.69 of 2021 pending in the Court of learned Sessions Judge-cum-Special (N.D.P.S.) Judge, Bhadrak where charge sheet has been submitted against the petitioner, Fakir Mohan Jena and Mahesh Rout @ Chintu, for commission of offences punishable under Sections 21(c) and 29 of NDPS Act read with Sections 27 and 28 of the Arms Act.

4. This is the second journey of the petitioner under Section 439 of Cr.P.C. to this Court for bail. His earlier application BLAPL No.5920 of 2021 had been dismissed on 14.02.2022.

5. Mr. Panigrahi, learned counsel for the petitioner submits that the petitioner is in custody since 23.05.2021 and

in the meanwhile, the co-accused person Chintu @ Mahesh Rout has been released on bail and that trial has started and out of 20 charge sheet witnesses, 2 witnesses have been examined and they have not supported the prosecution case. He prays for liberty to withdraw the bail application and refile the same in case there is undue delay in trial.

6. The bail application is permitted to be withdrawn granting liberty to the petitioner to move the trial Court for bail afresh, in case there is undue delay in completion of trial.

7. The BLAPL is accordingly disposed of.

8. Urgent certified copy of this order be granted on proper application.

Sukanta



**(SAVITRI RATHO)
JUDGE**